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Nikolaj Borreschmidt



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Nikolaj Borreschmidt

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About the Author

Nikolaj Borreschmidt graduated from the EU International Relations and Diplomacy Studies programme of the College of Europe in 2014. He also obtained a Master of Arts in European Studies from Copenhagen Business School in 2013. During his studies in Denmark, he was Vice President of political affairs and later President of the Danish section of Young European Federalists, as well as a member of the executive committee of the Danish European Movement. He is currently a trainee in the cabinet of the EU Climate Action Commissioner Connie Hedegaard. This paper is based on his Master's thesis at the College of Europe (Voltaire Promotion).

Editorial Team:

Nicola Del Medico, Sieglinde Gstöhl, Enrique Ibáñez Gonzalez, Lucas Maurer, Jonatan Thompson, Anna Wardell

Dijver 11 | BE-8000 Bruges, Belgium | Tel. +32 (0)50 477 251 | Fax +32 (0)50 477 250 |
E-mail ird.info@coleurope.eu | www.coleurope.eu/ird

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Abstract

This paper aims to answer two questions: generally, to what extent the human rights promotion of the European Union (EU) in third countries is consistent, and more specifically, why the EU's approach towards human rights promotion in China and Myanmar differs despite similar breaches of human rights. It compares the EU's approach to the two countries over two time periods in the late 1980s and 1990s in the context of the EU's evolving human rights promotion. Based on the two case studies, this paper finds that the EU's human rights promotion in third countries varies significantly. Whereas one would expect the EU's approach to become increasingly assertive throughout the 1990s, this has only been the case with Myanmar. China's economic and political importance to the EU appears to have counterweighed the general rise in European attention to third countries' human rights records. In other words, this paper finds that commercial interests take precedence over human rights concerns in case of important trading partners.

Introduction: trading rights for might?

君子敏于行而讷于言。

"The superior man is modest in his speech,
but exceeds in his actions."

Confucius, The Analects

According to the EU Strategic Framework and Action Plan on Human Rights and Democracy, "[t]he European Union is founded on a shared determination to promote peace and stability and to build a world founded on respect for human rights, democracy and the rule of law".¹ To this end, the EU has committed itself to "promot[e] the universality of human rights".² As the EU considers all human rights universal, one might expect that this would translate into a human rights promotion also universal in nature. With the end of the Cold War, the introduction of political conditionality and subsequent Treaty revisions, one could furthermore have expected a progressively more assertive human rights promotion by the EU from the beginning of the 1990s onwards. However, this paper will argue that this has not been the case.

Looking at the People's Republic of China (hereafter 'China') and the Republic of the Union of Myanmar (hereafter 'Myanmar'), the EU's approach to human rights appears to vary greatly. According to the EU Annual Report on Human Rights and Democracy in the World in 2012, the two countries' records suggest that it would be appropriate for the EU to promote the protection of human rights in both countries.³ Although recognizing improvements in Myanmar, the report expresses concerns over the continuing detention of prisoners of conscience, human rights violations of "persons belonging to ethnic minorities" as well as the "violence in the Rakhine State".⁴ In China, the same report urges the Chinese government to ensure minority rights in the face of the "self-immolations in Tibet", and it expresses concerns over the "arbitrary detention and enforced disappearance, violations of the right to fair trial, as well as of freedom of expression and assembly and freedom of religion or belief".⁵ Similarly, Freedom House in 2013 termed both countries 'not free', Myanmar with a freedom rating of 5.5/7 ('least free'), and China with a freedom rating of

¹ Council of the European Union, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, Luxembourg, 25 June 2012, p. 1.

² *Ibid.*

³ Council of the European Union, *EU Annual Report on Human Rights and Democracy in the World in 2012, Country Report*, Brussels, 21 October 2013, pp. 181-182.

⁴ *Ibid.*

⁵ *Ibid.*, p. 185.

6.5/7.⁶ Whereas Myanmar has been subjected to a vast range of restrictive measures due to failure to uphold certain human rights standards,⁷ China has merely been subjected to an arms embargo, apart from a brief period of diplomatic sanctions in the late 1980s and early 1990s. This paper aims to clarify why the EU has applied such a different approach towards human rights promotion in China and Myanmar respectively. To that end, this paper asks the following questions:

- To what extent does the EU's human rights promotion in third countries vary despite similar breaches?
- Why is the EU's approach towards human rights promotion in China inconsistent with its approach towards Myanmar?

The paper's initial hypotheses are the following:

- With the emergence of a unipolar, Western dominated world after the Cold War, the introduction of political conditionality and subsequent Treaty revisions, the EU should have progressively become more assertive in its human rights promotion throughout the 1990s.
- Despite similar violations of human rights, additional factors, which set China apart from Myanmar, have acted as a counterweight to the increased promotion of human rights. In 2013, China ranked as the EU's second biggest trading partner; whereas Myanmar ranked as number 132 in 2013.⁸ The EU, as well as EU member states, are becoming more reluctant to pursue a human rights agenda due to China's rising relative economic and political importance. In other words, trade concerns take precedence over human rights concerns, and the EU appears to be trading rights over might.

The rest of the first section will address the methodological choices I have made in order to address my research questions. The second section will address human rights from an EU perspective, arguing that such values are universal. Further, it will argue that we, in theory, should observe a growing assertiveness in European human rights promotion throughout the 1990s, due to the EU's Treaty changes and

⁶Freedom House, *Asia-Pacific*, 2014, retrieved 1 February 2014, <http://www.freedomhouse.org/regions/asia-pacific>.

⁷ M. Bunte & C. Portela, "Myanmar: The Beginning of Reforms and the End of Sanctions", *GIGA Focus*, no. 3, 2012, p. 5.

⁸ European Commission, "Top trading partners", retrieved 27 September 2014, http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_122530.pdf, Brussels, DG Trade, 27 August 2014.

change in narrative. The following comparison will, however, show that while this holds true for Myanmar, it has not been the case for China, despite similar breaches of human rights. The third section will then engage in a comparative analysis of what sets these two countries apart – the two most decisive variables appearing to be their relative economic and political importance to the EU.

Methodology: choice of countries, time periods and definitions

In order to keep possible selection bias as small as possible, the paper will work with two Asian countries. The fact that both countries lie within the same region should further rule out additional disturbing variables, such as geographical distance from the EU. In other words, this paper will make use of the ‘most similar systems design’, attempting to clarify whether ‘economic importance to the EU’ and ‘political importance to the EU’ are explanatory variables in terms of the EU’s human rights promotion.

The end of the Cold War coincided with the introduction of more systematic political conditionality in EU foreign policy. The European Community imposed the first Common Foreign and Security Policy (CFSP) sanctions on Myanmar in 1990,⁹ following the military junta’s failure to respect the elections in that year.¹⁰ In the same period the Community introduced an arms embargo, alongside other measures, on China following Beijing’s violent repression of the Tiananmen Square protests in 1989. **1989-1990** will thus serve as a starting point for the timeframe of this paper. Further CFSP sanctions were imposed on Myanmar in 1996, and the Generalized Scheme of Preferences (GSP) preferences were withdrawn by the Council the following year.¹¹ As for China, the first EU-China Dialogues took place in 1995; the European Parliament unsuccessfully attempted to persuade the Commission to open an investigation into forced labour in the same period, and in 1997-1998 the Council concluded that the annual practice of tabling motions at the United Nations (UN) Commission on Human Rights on the Chinese human rights violations should end. **1995-1997** are therefore years that are crucial in order to understand the EU’s response to human rights violations and why the Union decided to impose additional measures on Myanmar but not on China.

⁹ C. Portela & J. Orbie, “Sanctions under the EU Generalised System of Preferences and foreign policy: coherence by accident?”, *Contemporary Politics*, vol. 20, no. 1, 2014, p. 68.

¹⁰ C. Portela & P. Vennesson, “Sanctions and Embargos in EU-Asia Relations”, in T. Christiansen, E. Kirchner & P. Murray (eds.), *The Palgrave Handbook of EU-Asia Relations*, Basingstoke, Palgrave MacMillan, 2013, p. 203.

¹¹ *Ibid.*

Within the framework of the CFSP, sanctions are generally referred to as 'restrictive measures' in the EU system. For the sake of clarity, however, the term 'sanctions' will be used as a common term encompassing all EU restrictive measures for the purpose of this paper. Secondly, rhetorical instruments such as condemnations, declarations and demarches will only be analysed briefly. As should be apparent in the second section, the EU has fully committed itself to the promotion of human rights, and rhetorical instruments appear somewhat redundant in such a context, unless they are followed up by a form of sanction. Thirdly, withdrawal of the GSP benefits will only be analysed briefly. Portela and Orbia argue that such a form of sanctions is directly linked with ILO condemnations,¹² which China never faced.¹³ For the purpose of this paper, inconsistency will be defined as 'the absence of contradictions'.¹⁴ The reports of Human Rights Watch (HRW) will be used to compare the human rights situations in China and Myanmar throughout the abovementioned time periods, as the EU did not publish annual reports on human rights in the 1990s. HRW is independent insofar it does not accept government funds or private funds that could compromise its objectivity.¹⁵ Although it has been criticized for being influenced by American politics, it nonetheless provides a more unbiased picture than official American documents.

The EU's policy of human rights promotion

The entry into force of the Treaty of Lisbon in December 2009 provided several radical changes in the EU's approach to human rights, arguably transforming the EU into "a new type of human rights actor".¹⁶ The preamble to the Charter of Fundamental Rights of the European Union, formerly a political declaration but now ensured legal effect, states that the EU "is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law".¹⁷ The EU considers "all human rights –

¹² Portela & Orbie, *op.cit.*

¹³ However, one might further point out that the ILO Commission of Enquiry report on Myanmar came out only after the withdrawal of the GSP benefits, which makes the linkage between the two a bit more blurry.

¹⁴ C. Portela & K. Raube, "Revisiting Coherence in EU Foreign Policy", *Hamburg Review of Social Sciences*, vol. 3, no. 1, 2008, p. 3.

¹⁵ Human Rights Watch, "About Us", *Human Rights Watch*, New York, retrieved 28 April 2014, <http://www.hrw.org/about>.

¹⁶ H. Brady, "The EU and human rights: a new era under the Lisbon Treaty?", *Open Society Initiative for Europe*, Brussels, 2010, p. 10.

¹⁷ European Union, "Consolidated Versions of the Treaty on European Union and the Treaty on the Function of the European Union and Charter of Fundamental Rights of the European Union", March 2010, *Charter of Fundamental Rights of the European Union*, preamble.

civil, political, economic, social and cultural – [...] universal in nature, valid for everyone, everywhere. Respect for human rights and fundamental freedoms is at the core of the European Union”.¹⁸ Without exceptions, the EU aims to promote human rights in all areas of its external action, and it will particularly “integrate the promotion of human rights into trade”,¹⁹ and “when faced with violations of human rights, the EU will make use of the full range of instruments at its disposal, including sanctions or condemnation”.²⁰ To this end, the EU has developed a series of tools both within the CFSP and within the framework of the Community. The Lisbon Treaty furthermore gives the European Parliament increased parliamentary control over trade agreements, since the Council now needs the consent of the Parliament for the conclusion of an agreement.²¹ The European Parliament has been known to take a strong stance on human rights promotion,²² and increased influence of the European Parliament would, *ceteris paribus*, imply more focus on human rights issues around the world, as does the entry into force of the Lisbon Treaty as a whole. In a 2014 context, the promotion of human rights thus appears to be high up on the EU’s agenda. Yet, the EU’s approach to human rights promotion has only reached its current level of development in a piecemeal fashion.

The gradual evolution of the EU’s policy of human rights

In their first decades of existence, the Communities were not perceived as a global human rights promoter in their own right, and the practice of adopting sanctions outside the framework of the United Nations Security Council (UNSC) was only established in the early 1980s. In 1988, the Rhodes Declaration stated that “Europe can not [sic] but actively demonstrate its solidarity to the great and spreading movement for democracy and full support for the principles of the Universal Declaration on Human Rights”.²³ Another major step forward was achieved with the landmark 1991 Luxembourg Declaration by the European Council, stating that “[t]hrough their policy and cooperation and by including clauses on human rights in

¹⁸ European Commission: External Relations, *The European Union: Furthering Human Rights and Democracy Across the Globe*, Brussels, 2007, p. 6.

¹⁹ Council of the European Union, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, 11855/12, Luxembourg, 25 June 2012, p. 2.

²⁰ *Ibid.*

²¹ Lisbon, *op.cit.*, art. 218(6)(a)(i) TFEU.

²² R. Wong, “Towards a Common European Policy on China? Economic, Diplomatic and Human Rights Trends since 1985”, *Current Politics and Economics of Asia*, vol. 17, no. 1, 2008, p. 170.

²³ European Council, *Conclusions of the Presidency: Declaration of the European Council on the International Role of the European Community*, Rhodes, 3 December, 1988, p. 18.

economic and cooperation agreements with third countries, the Community and its member states actively promote human rights".²⁴ These human rights clauses, also including respect for democratic principles, have nowadays been incorporated into nearly all agreements with third parties. The Treaty of Maastricht, signed in 1991 and entering into force in 1993, codified the principle of imposing Community sanctions²⁵ and further stated that one of the objectives of the CFSP was the development and consolidation of democracy, the rule of law, respect for human rights and fundamental freedoms. The imposition of the first sanctions on Myanmar, as well as the arms embargo on China, thus happened prior to both the Luxembourg Declaration and the Treaty of Maastricht, but in the immediate aftermath of the Rhodes Declaration.

The measures imposed on Myanmar in 1996 and 1997, the second period identified above, on the other hand happened within the Maastricht legal framework. To what extent do the two time periods then differ? That the EU was considered an appropriate forum for sanctions and that it had committed itself to human rights through the Rhodes Declaration is thus the case for both time periods. However, the CFSP only came into force with the Maastricht Treaty, having formerly been the European Political Co-operation (EPC), a looser consultation process between member states. Thus, in the second time period, one might expect a firmer commitment to human rights promotion given that: 1) the EPC had been strengthened and turned into the CFSP, expressing the will of the EU to assert its position on the international scene;²⁶ and 2) the European Community had expressed willingness to apply political conditionality in 1991. With the introduction of the Treaty of Amsterdam in 1999, the values upon which the EU is founded, such as the respect for human rights and fundamental freedoms, were reaffirmed. Moreover, the Treaty of Amsterdam provided that development policies as well as economic, financial and technical cooperation with third countries should contribute to these objectives,²⁷ and a High Representative for the CFSP was appointed. Signed during the second time period of interest for this paper, in

²⁴ European Council, "Presidency Conclusions", *Bulletin* 02.07.91, Luxembourg, 28-29 June 1991, p. 27.

²⁵ C. Portela, *European Union Sanctions and Foreign Policy: When and Why Do they Work?*, New York, Routledge, 2010, pp. 23-24.

²⁶ "Summaries of EU legislation: Common Foreign and Security Policy", European Union, retrieved 22 April 2014, http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/a19000_en.htm.

²⁷ Commission, *The European Union: Furthering Human Rights and Democracy Across the Globe*, *op.cit.*, p. 6.

October 1997, the Amsterdam Treaty should therefore represent an additional step in the promotion of human rights for the EU.

From the above, it would appear that the first hypothesis, at least from a declaratory point of view, has been confirmed. Throughout the 1990s, the EU gradually devoted itself more and more to human rights promotion in the world, embodied in the Treaties of Maastricht, Amsterdam and Lisbon.

The EU response to China's human rights record

The Communities imposed the arms embargo on China in 1989 "strongly condemn[ing]" the Chinese "brutal repression" of the Tiananmen protests, requesting that the Chinese authorities respect human rights, freedom and democracy.²⁸ Alongside the arms embargo were a range of additional measures such as an interruption in military cooperation and the suspension of bilateral ministerial and high-level contacts.²⁹ This appears to be coherent with the Rhodes Declaration of 1988.

However, although the arms embargo has remained in place since, the rest of the mostly diplomatic measures were lifted already in October 1990.³⁰ To be sure, the Chinese authorities lifted martial law in January 1990, perceived as justification to remove the sanctions in place.³¹ However, HRW at the time bluntly argued that "[t]he year 1990 was a bad one for human rights in China".³² All aspects of freedom of expression were imposed governmental control, and restrictions of religious and ethnic groups were tightened. Among students, free speech and political activities were restricted. The government further severely curtailed the right of assembly and public demonstrations and tightened the control and imposed surveillance and intimidation of the media. Although Chinese authorities announced the release of several pro-democracy detainees, HRW called into question the validity of this announcement. The release from detention furthermore did not necessarily mean

²⁸ European Council, *Presidency Conclusions: Annex II: Declaration on China*, Madrid, 27 June 1989, p. 25.

²⁹ *Ibid.*

³⁰ G. Wacker, "Ende des EU-Waffenembargos gegen China", *Stiftung Wissenschaft und Politik*, 2004, p. 2.

³¹ N. Casarini, "The evolution of the EU-China relationship: from constructive engagement to strategic partnership", *European Union Institute for Security Studies: Occasional Paper*, no. 64, Paris, October 2006, p. 10.

³² Human Rights Watch, *World Report 1990: China*, New York, Human Rights Watch, 1990, retrieved 9 April 2014, http://www.hrw.org/reports/1990/WR90/ASIA.BOU-04.htm#P241_56227.

the end of governmental reprisals, as HRW reported several cases of investigations and constant police escorts for former prisoners, as well as harassment of pro-democratic academics and intellectuals. Trials of the 1989 detainees hardly met international standards, and one punishment included 'labour re-education', a governmental euphemism for forced labour under arbitrary detention.³³ Freedom House deemed China 'not free' in 1990, giving the country the lowest score for both civil liberties and political rights.³⁴ Thus, the lifting of all measures save the arms embargo appears peculiar.

In 1995, the Chinese government "continue[d] to demonstrate its disdain for fundamental human rights guarantees and the rule of law".³⁵ Imprisonment and physical abuse of activists engaged in peaceful dissent persisted, and HRW reports that some continued to "disappear", while their families were threatened or harassed.³⁶ The rule of law was continuously subverted by the government, and challengers of the one-party system were levied sentences up to 20 years. 'Labour re-education' was kept as a form of punishment, and there were further reports of maltreatment of prisoners. Independent religious practice was hampered; the media continued to be censored; and the freedom of expression was further restricted. Freedom of assembly and association was likewise further curtailed.³⁷ Freedom House continued to deem China 'not free', maintaining the lowest score in both political rights and civil liberties.³⁸ In response to this, the EU and the US attempted to sponsor a resolution criticizing the situation in China in the United Nation Commission on Human Rights (UNCHR) in Geneva, which, however, failed.³⁹ 1995 further saw the beginning of the biannual dialogues on human rights between the EU and China, ironically based on a Chinese proposal.⁴⁰ However, in their power audit of EU-China relations Fox and Godement argue that the Human Rights

³³ *Ibid.*

³⁴ Freedom House, *Country ratings and status, FIW 1973-2014 (EXCEL)*, Washington D.C., 2014, retrieved 10 April 2014, <http://www.freedomhouse.org/report-types/freedom-world>.

³⁵ Human Rights Watch, *World Report 1996: China & Tibet*, New York, 1996, retrieved 10 April 2014, http://www.hrw.org/reports/1996/WR96/Asia-02.htm#P250_71314.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Freedom House, *Country ratings and status*, *op.cit.*

³⁹ Human Rights Watch/Asia, *China: Chinese Diplomacy, Western Hypocrisy and the U.N. Human Rights Commission*, New York, 1997, p. 3.

⁴⁰ European Commission: External Relations, *The European Union: Furthering Human Rights and Democracy Across the Globe*, *op.cit.*, p. 13.

Dialogues in fact are hardly more than a charade, used by China to “deflect the European urge to adopt critical public resolutions”.⁴¹

Moreover, only in July 1995 was a common position on China officially defined with the Commission Communication “A Long Term Policy for China-Europe Relations”.⁴² Although the Communication focuses on the Chinese economy and the potential for the European market,⁴³ it also addresses the issue of human rights.⁴⁴ The EU was to engage in human rights promotion in China on three levels: 1) through support for the Chinese liberalization and opening up of the economy; 2) through systematically raising the question in bilateral dialogues; and 3) through engaging the international community, for instance in the United Nations.⁴⁵

Although HRW notes positive progress towards due process for criminal suspects in 1996,⁴⁶ it also argues that the Chinese human rights record in fact worsened between 1995 and 1996.⁴⁷ The Chinese government continued to curtail freedom of expression, especially through controlling public access to the internet. Persecution of political and religious dissidents persisted, and repression intensified especially in Tibet, where HRW also reported torture. Likewise, the harassment of Catholics and Protestants continued. Arrests of pro-democracy and human rights activists also continued, some of which were subjected to ‘labour re-education’. Moreover, reports of torture of detainees and prisoners persisted. Once again, Freedom House deemed the country ‘not free’, maintaining the lowest scores.⁴⁸ In 1996, another EU and US-sponsored resolution on China in the UNCHR was attempted, strongly backed by a resolution of the European Parliament.⁴⁹ Efforts proved futile, however, as the resolution once again failed, this time even being subjected to a ‘no-action’ motion which prevented that the subject was even being debated.⁵⁰ In 1997, the European Parliament furthermore attempted to convince the Commission to commence an investigation into the alleged forced and prison labour practices

⁴¹ J. Fox & F. Godement, *A Power Audit of EU-China Relations*, London, European Council on Foreign Relations, 2009, p. 34.

⁴² European Commission, *A Long Term Policy for China-Europe Relations*, COM(95) 279, Brussels, 15 July 1995.

⁴³ Casarini, *op.cit.*, p. 10.

⁴⁴ European Commission, *A Long Term Policy for China-Europe Relations*, *op.cit.*, pp. 5-7.

⁴⁵ *Ibid.*, p. 6.

⁴⁶ Human Rights Watch, *World Report 1997: China*, New York, 1997, retrieved 10 April 2014, http://www.hrw.org/reports/1997/WR97/ASIA-03.htm#P164_85228.

⁴⁷ Human Rights Watch/Asia, *op.cit.*, p. 3.

⁴⁸ Freedom House, *Country ratings and status*, *op.cit.*

⁴⁹ European Parliament, *Parliament Resolution on Human Rights in China and Tibet*, Strasbourg, 1996, retrieved 10 April 2014, <http://www.tibetjustice.org/materials/ep/ep11.html>.

⁵⁰ Human Rights Watch/Asia, *op.cit.*, p. 4.

with a view to removing the Chinese GSP benefits, calling upon the EU-Sino relationship to reflect the objectives of the CFSP as laid down in the Treaty.⁵¹ However, due to procedural requirements at the time, the Commission refused to begin such an investigation. Thus, even though the Chinese human rights violations continued throughout the time periods in question, only the arms embargo remained in place, whereas the initial additional measures were quickly dropped. This differs starkly from the EU's approach towards Myanmar during the same time periods.

The EU response to Myanmar's human rights record

The Burmese military government, the State Law and Order Restoration Council (SLORC) took power in 1988, and remained in power through martial law throughout 1989. HRW reported dismal conditions for human rights in the country: Political freedom was reported to be virtually non-existent, and perceived anti-government activities led to one of three sentences: three years imprisonment, life imprisonment or death penalty.⁵² Torture of prisoners was further reported as 'routine'. The government retained control of the media, and the SLORC in 1990 kept all universities and most secondary schools closed for the third year in a row. The late 1989 and early 1990 further saw the forced eviction of well over 500'000 people from the capital to the countryside, often to areas without electricity, running water or proper sanitation. The Burmese army was reported to have killed, tortured or raped numerous civilians in their effort to thwart rebellions among ethnic minorities.⁵³ Freedom House deemed Burma 'not free', giving the country the lowest score in both political rights and civil liberties.⁵⁴ 1990 saw the beginning of the Community's response to the human rights situation in Myanmar, culminating in what has been described by Portela and Vennesson as "one of the most far-reaching and long-lasting sets of restrictive measures" ever taken by the EU.⁵⁵ The measures, imposed in 1990 and confirmed in a Declaration by the General Affairs Council on 29 July 1991, encompassed an "expulsion of all military personnel

⁵¹ European Parliament, "Report on the Communication from the Commission on a long term policy for China-Europe relations (COM(95)0279 – C4-0288/95)", *Committee on Foreign Affairs, Security and Defence Policy, Rapporteur: Mr Edward McMillan-Scott*, 29 May 1997, pp. 4-5.

⁵² Human Rights Watch, *World Report 1990: Burma*, New York, 1990, retrieved 11 April 2014, http://www.hrw.org/reports/1990/WR90/ASIA.BOU-02.htm# P101_22000.

⁵³ Human Rights Watch, *World Report 1990: Burma*, *op.cit.*

⁵⁴ Freedom House, *Country ratings and status*, *op.cit.*

⁵⁵ Portela & Vennesson, *Sanctions and Embargos in EU-Asia Relations*, *op.cit.*, p. 199.

attached to the diplomatic representation of Burma/Myanmar" and "an embargo on arms, munitions and military equipment and suspension of non-humanitarian aid or development programmes".⁵⁶

1995 saw the release of opposition leader Daw Aung San Suu Kyi after six years of house arrest, although HRW reported "no overall improvement in the human rights situation".⁵⁷ More than 200 political prisoners were released; yet, there were cases of new arrests and at least 1'000 remaining prisoners of conscience. Torture was reported regularly. Freedom of speech, association and religion, as well as the right of citizens to participate in the political process were continuously curtailed by the SLORC. As war between the Burmese army and ethnic minority rebels continued, civilians were forced into unpaid labour for the army across the country, and HRW called the use of forced labour in Myanmar "endemic".⁵⁸ As the regime opened the country to foreign investments, the SLORC forced thousands of civilians and prisoners to rebuild the neglected infrastructure.⁵⁹ Freedom House maintained the lowest possible score in terms of political rights and civil liberties.⁶⁰ The Common Position of 28 October 1996 addressed the "continuing violation of human rights in Burma/Myanmar [...] deplor[ing], in particular, the practice of torture, summary and arbitrary executions, forced labour, abuse of women, political arrests, forced displacement of the population and restrictions of the fundamental rights of freedom of speech, movement and assembly".⁶¹ The Common Position reaffirmed the EU measures already in place and called for several additional ones: a visa ban for senior members of SLORC and their families; visa bans for senior members of the military and security forces; and the suspension of high-level bilateral government visits to Myanmar.⁶²

In 1996, the SLORC continued to carry on political arrests, as the country plunged into a confrontation between the SLORC and the National League for Democracy (NLD), led by Suu Kyi. Several NLD members of parliament were arrested in their

⁵⁶ "EU arms embargo on Myanmar (Burma)", *Stockholm International Peace Research Institute*, 7 May 2013, retrieved 11 April 2014, http://www.sipri.org/databases/embargoes/eu_arms_embargoes/myanmar.

⁵⁷ Human Rights Watch, *World Report 1996: Burma*, New York, 1996, retrieved 11 April 2014, http://www.hrw.org/reports/1996/WR96/Asia-01.htm#P93_25085.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ Freedom House, *Country ratings and status*, *op.cit.*

⁶¹ Council of the European Union, "96/635/CFSP: Common Position of 28 October 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Burma/Myanmar", *Official Journal of the European Union*, L287, 28 October 1996, p. 1.

⁶² *Ibid.*, pp. 1-2.

attempt to attend the first general party meeting since 1990, and although most were released quickly, the government-controlled media subsequently announced many of their resignations, mostly due to 'health reasons'. Forced labour, forced relocation and arbitrary arrests continued, and in ethnic minority areas, some 85'000 civilians were forcefully evicted to military-run camps or garrison towns. Torture continued, and HRW reported at least two deaths during detention. As the war against ethnic minority rebels continued, many were forced into conscription, including underage boys.⁶³ Unsurprisingly, Freedom House maintained the low score in 1997.⁶⁴

As a response to the miserable conditions in Myanmar, the EU in the years 1995-1997 initiated the process to withdraw the country's GSP benefits. Originally triggered by a joint complaint of the European Trade Union Confederation and the International Confederation of Free Unions in 1995, the Council in 1997 approved a regulation for withdrawal, on account of "the use of forced labour".⁶⁵ An ILO Commission of Enquiry was established in 1996, which two years later reported the violation of the "obligation to suppress the use of force or compulsory labour", as well as an actual practice of forced labour "in a widespread and systematic manner".⁶⁶ In Myanmar, the European measures were accompanied by American measures, such as the US trade ban and suspension of trade preferences. In 1990, the Americans imposed economic sanctions on Burmese products;⁶⁷ in 1994 and 1995 the Americans withheld contributions to several international organizations with programmes in Myanmar (among other states);⁶⁸ and in 1996 and 1997, the European measures were furthermore reflected in three American measures. In October 1996, Presidential Proclamation 6925 denied entry into the US for "persons who formulate

⁶³ Human Rights Watch, *World Report 1997: Burma*, New York, 1997, retrieved 11 April 2014, http://www.hrw.org/reports/1997/WR97/ASIA-01.htm#P78_44587.

⁶⁴ Freedom House, *Country ratings and status*, *op.cit.*

⁶⁵ Portela & Orbie, *op.cit.*, p. 67.

⁶⁶ International Labour Organization, "Report of ILO Commission of Inquiry reveals widespread and systematic use of forced labour in Myanmar (Burma)", 20 August 1998, retrieved 12 April 2014, http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_007995/lang-en/index.htm.

⁶⁷ 101st Congress of the United States of America, *Public Law 101-382*, Washington D.C., 20 August 1990, section 138.

⁶⁸ 103rd Congress of the United States of America, *Public Law 87-195: The Foreign Assistance Act of 1961, as Amended 1994 and 1995*, Washington D.C., 1995, section 307.

or implement policies that impede Burma's transition to democracy"⁶⁹; in 1997 further sanctions were imposed on Myanmar, including the suspension of bi- and multilateral assistance except humanitarian aid and visa bans for Burmese officials;⁷⁰ and in 1997, an American executive order imposed a prohibition on new investments in Myanmar, declaring a "national emergency" in regards to the country.⁷¹

China-Myanmar comparison: human rights violations

As should be apparent from the beginning of this section, the EU does not engage in a 'ranking' of human rights, as these are considered both universal and indivisible.⁷² All human rights – civil, political economic, social and cultural – are considered not only universal,⁷³ but also appear to be considered equal. However, if the EU considers all human rights universal, and furthermore commits itself to using the whole range of tools available to promote them, one might be inclined to expect a reaction beyond declaratory policy in case of extensive and persistent violations of human rights. Although the scope is difficult to compare, the nature of violations in China and Myanmar appear similar. Throughout the 1990s, both the Chinese and the Burmese governments engaged in obstruction of the rule of law; basic freedoms such as the freedom of expression, of religion and of assembly were curtailed, and torture of detainees was furthermore reported. Moreover, both countries engaged in arbitrary detentions and arrests, as well as forced labour. Hence, *certeris paribus*, one would expect the EU to impose similar sanctions on both countries. Yet this was not the case. The following section will attempt to determine which factors might explain the diverging EU approaches to China and Myanmar, arguing that two important factors seem to be the two countries' relative political and economic relevance to the EU.

⁶⁹ W.J. Clinton, *Proclamation 6925 – Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Formulate or Implement Policies That Are Impeding the Transition to Democracy in Burma or Who Benefit From Such Policies*, President of the United States of America, 3 October, 1996, retrieved 14 April 2014, <http://www.presidency.ucsb.edu/ws/?pid=52042>.

⁷⁰ 104th Congress of the United States of America, *Public Law 104-208*, Washington D.C., 30 September 1996, section 570.

⁷¹ President of the United States of America, *Presidential Documents: Prohibiting New Investment in Burma*, Executive Order 13047, Washington D.C., 20 May 1997.

⁷² Lisbon, *op.cit.*, art. 21 (1) TEU.

⁷³ European Commission: External Relations, *The European Union: Furthering Human Rights and Democracy Across the Globe*, *op.cit.*, p. 6.

Political and economic importance to the EU: trading rights for might

From the above we should expect to see at least two things: a China whose relative importance to the EU is much bigger than that of Myanmar; and if we accept the second hypothesis, a China whose importance has since 1989 risen much more rapidly than that of Burma, since EU sanctions have only increased in the latter case, despite similar breaches. I have chosen the following criteria to define relative economic power: gross domestic product (GDP); economic size and share of EU trade. In terms of relative political power, the following criteria have been selected, partly building on Niall Ferguson's list:⁷⁴ Financial power and diplomacy, measured through power within financial institutions such as the International Monetary Fund (IMF) and the World Bank, and power within the United Nations framework; as well as multinational companies (MNCs).

China has become an increasingly important trading partner for the EU. As a result of impressive growth in GDP throughout the 1990s, often at double digits, the Chinese market expanded from being the world's tenth largest in terms of nominal GDP in 1990 to the second largest in 2010.⁷⁵ Similarly, China is now the second most important trading partner for the EU, with bilateral trade worth more than €1 billion every day.⁷⁶ Myanmar, in comparison, has remained relatively unimportant for the EU. According to Eurostat, EU exports to Myanmar in 1989 amounted to €74 million.⁷⁷ Even before the imposition of sanctions, Myanmar thus represented an insignificant trading partner, which is still true with Myanmar ranking as the EU's 115th largest trading partner in 2013 in terms of imports, and the 131th largest partner in terms of exports.⁷⁸ The Burmese growth in GDP has been steady throughout the 1990s,⁷⁹ and the nominal GDP in 2014 is reported to have reached roughly US\$ 65 billion, with a further estimate of reaching roughly US\$ 90 billion by 2017.⁸⁰ However, even with such a somewhat positive estimate, it is clear that China has always been, and will

⁷⁴ N. Ferguson, "What is Power?", Stanford University, Hoover Institution, Stanford, April 30 2003, retrieved 5 April 2014, <http://www.hoover.org/publications/hoover-digest/article/7682>.

⁷⁵ International Monetary Fund, "World Economic Outlook Database", Washington D.C., October 2013.

⁷⁶ European Commission, DG Trade, *European Union, Trade in goods with China*, Brussels, DG Trade, November 2013, p. 10.

⁷⁷ Eurostat, *EU28 trade since 1988 by CN8 (DS_016890)*, 16 April 2014, retrieved 16 April 2014, http://epp.eurostat.ec.europa.eu/portal/page/portal/international_trade/data/database.

⁷⁸ European Commission, *Trade in goods with Myanmar*, DG Trade, Brussels, 7 November 2013, p. 10.

⁷⁹ The World Bank, *GDP growth (annual %)*, retrieved April 16, 2014, from Data: <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?page=3>.

⁸⁰ International Monetary Fund, *World Economic Outlook Database*, *op.cit.*

continue to be, immensely more important to the EU than Myanmar in terms of trade.

China's rising economic relevance also translates into growing political power. In international organizations such as the IMF and the World Bank, recent redistributions of quotas reflect the shift of "the tectonic plates of economy", as the then World Bank president Zoellick said in 2011.⁸¹ In the World Bank, China's share of votes rose from 2.77% to 4.42% in 2010, overtaking European nations such as Germany, Britain and France;⁸² and in the realignment of quotas in the IMF in 2010, China became the third largest member country.⁸³ China furthermore holds one of the permanent seats in the UNSC, and has on numerous occasions proven that it intends to use its diplomatic power in the UN, for instance through passing motions of no-actions when faced by Western attempts to pass critical resolutions on China. Furthermore, Fox and Godement argue that "[w]henever possible, Chinese negotiators will avoid negotiating with European interlocutors who are empowered to speak for the EU as a whole, bringing its combined weight to bear",⁸⁴ which would translate into political power relative to the EU. Myanmar on the other hand, a member of the same organizations as China, wields much less power. The Chinese global presence through MNCs has also increased strongly since the early 1990s,⁸⁵ whereas there does not appear to have been much improvement in the Burmese case.⁸⁶ Thus, China is not only much more politically important to the EU – it also has more power to counteract unfavourable measures in multilateral institutions.

It was only when Myanmar in 1997 gained membership of the Association of Southeast Asian Nations (ASEAN) that a further development took place. According

⁸¹ R. Zoellick, "Beyond Aid: Speech by World Bank Group President Robert B. Zoellick", *World Bank Group*, Washington D.C., 14 September 2011, retrieved 20 April 2014, <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/ORGANIZATION/EXTPRESIDENT/EXTPASTPRESIDENTS/EXTPRESIDENT2007/0,,contentMDK:23000133~menuPK:64822279~pagePK:64821878~piPK:64821912~theSitePK:3916065,00.html>.

⁸² L. Wroughton, "China gains clout in World Bank vote shift", *Reuters*, Washington D.C., April 25 2010, retrieved 17 April 2014, <http://www.reuters.com/article/2010/04/25/us-worldbank-idUSTRE63O1RQ20100425>.

⁸³ IMF, *Factsheet: IMF Quotas*, Washington D.C., IMF, 25 March 2014, retrieved 17 April 2014, <http://www.imf.org/external/np/exr/facts/quotas.htm>.

⁸⁴ Fox & Godement, *op.cit.*, p. 37.

⁸⁵ KPMG, *China 360: The emergence of Chinese multinational corporations (MNCs): Local and global implications*, Amstelveen, KPMG, 2013, p. 2.

⁸⁶ In fact, an argument has been put forward that the recent Burmese outreach to the West is propelled by the increasing Chinese presence in Myanmar, much to the distress of Naypyidaw.

to the Commission, the recently concluded free trade agreement with Singapore (EUSFTA) “has the potential to lay the ground for the EU to engage in the region as a whole”⁸⁷ – a reference to the ASEAN. The ASEAN region collectively constitutes the EU’s third largest trading partner, with €206 billion of trade in goods in 2011, and some €44 billion of trade in services in 2010.⁸⁸ Thus, the political relevance of Myanmar has arguably grown since its accession to ASEAN, as trade with the region already in 1997 reached roughly ECU 45 billion in exports and imports.⁸⁹ If this is the case, then the second hypothesis appears to be incorrect, since the EU in fact continued its firm promotion of human rights in the country. Yet, the beginning of the membership saw Myanmar and ASEAN as “estranged bedfellows”.⁹⁰ The marriage was one of inconvenience, as McCarthy calls it,⁹¹ which arguably translated into very limited Burmese political significance within the ASEAN. In 2006, when the West was able to successfully pressure Myanmar into declining their first chance of a chairmanship,⁹² the organization itself noted that it “could severely affect the organization’s international credibility”.⁹³ However, the EU-ASEAN Free Trade Agreement negotiations have been stalled since 2009,⁹⁴ despite the economic importance of the region, leading the Commission to conclude that bilateral free trade agreements, such as the EUSFTA, should constitute building blocks for a wider region-to-region agreement. One might point out that the momentum perhaps achieved by the initialling of the EUSFTA in September 2013 coincides with the lifting of all sanctions on Myanmar, save the arms embargo, the same year, as well as the reinstatement of Myanmar in the GSP framework in July

⁸⁷ European Commission, *The EU-Singapore Free Trade Agreement - MEMO/13/805*, Brussels, 20 September 2013, retrieved 20 April 2014, http://europa.eu/rapid/press-release_MEMO-13-805_en.htm.

⁸⁸ European Commission, DG Trade, *Association of South East Asian Nations (ASEAN)*, Brussels, 19 November 2013, retrieved 20 April 2014, <http://ec.europa.eu/trade/policy/countries-and-regions/regions/asean>.

⁸⁹ European Commission, *EU-ASEAN Relations: A Growing Partnership*, Luxembourg, 1998, p. 24.

⁹⁰ S. McCarthy, “Burma and ASEAN: A Marriage of Inconvenience”, in L. Dittmer (ed.), *Burma or Myanmar? The Struggle for National Identity*, Berkeley, World Scientific Publishing, 2010, pp. 336-337.

⁹¹ Ibid.

⁹² “Myanmar gives up 2006 ASEAN chairmanship”, *The New York Times*, 26 July 2005, retrieved 28 April 2014, http://www.nytimes.com/2005/07/26/world/asia/26iht-web.0726asean.html?_r=0.

⁹³ McCarthy, *op.cit.*, pp. 342-343.

⁹⁴ European Commission, DG Enterprise and Industry, *Free Trade Agreements*, Brussels, 3 February 2014, retrieved 29 April 2014, http://ec.europa.eu/enterprise/policies/international/facilitating-trade/free-trade/index_en.htm.

2013. Nevertheless, HRW,⁹⁵ Amnesty International⁹⁶ and Freedom House⁹⁷ point out that there remain significant improvements to be made in the Burmese human rights record. The EU's annual report on human rights released in 2013 also recognizes improvements, but continues to call attention to the human rights violations in Myanmar,⁹⁸ as does the EEAS.⁹⁹

Individual EU member state preferences: trade wins over rights

EU sanctions encompass a diverse mix of decision-making procedures, some of which require unanimity, and the EU can therefore not always be considered as a bloc. According to Baker, it was clear already by the time the European sanctions on China were put in place that there had been disagreement in the Council.¹⁰⁰ Although the precise positions of the member states are not clear, Baker argues that for instance Germany likely favoured a more gentle approach to China, whereas France – contrary to its later stances – favoured stronger measures.¹⁰¹ The annual tradition of tabling motions against China in the UNCHR throughout the 1990s also eventually revealed cracks in European unity. In 1997, after successive failed motions, France, backed by Germany, Italy and Spain, contended the rationale behind such procedures, arguing that they only soured relations with Beijing.¹⁰² Although opposed by states like Denmark, the Netherlands and the UK, it was eventually decided that “the EU would ‘neither propose, nor endorse’ any resolution criticising China” at the upcoming UNCHR session, a position that has remained constant since.¹⁰³ This, of course, appears to be in stark contrast with the Commission's 1995 Communication mentioned above, in which the EU should promote human rights in China through the international community. Furthermore,

⁹⁵ Human Rights Watch, *World Report 2014*, New York, 2014, pp. 305-312.

⁹⁶ Amnesty International, *Report 2013: The State of the World's Human Rights*, London, 2013, pp. 187-190.

⁹⁷ “Freedom in the World: Burma”, *Freedom House*, 2013, retrieved 29 April 2014, <http://www.freedomhouse.org/report/freedom-world/2013/burma>.

⁹⁸ Council of the European Union, *EU Annual Report on Human Rights and Democracy*, *op.cit.*, pp. 181-182.

⁹⁹ European External Action Service, “EU's growing relationship with Burma/Myanmar”, 6 March 2013, retrieved 29 April 2014, http://eeas.europa.eu/top_stories/2013/060313_burma_myanmar_en.htm.

¹⁰⁰ P. Baker, “Human Rights, Europe and the People's Republic of China”, *The China Quarterly*, no. 169, Special Issue: China and Europe Since 1978: A European Perspective, 2002, p. 50.

¹⁰¹ *Ibid.*

¹⁰² Casarini, *op.cit.*, p. 19.

¹⁰³ *Ibid.*

recurring debates on the arms embargo likewise showed very diverging opinions on the issue.

The potential lift of the arms embargo was initially proposed by Germany and France in the European Council in 2003, eventually supported by Italy, Spain, the UK, Finland and the Netherlands.¹⁰⁴ When looking at the areas in which a removal of the arms embargo would open up trade – commercial aircraft, automobiles and civil engineering¹⁰⁵ – it makes economic sense for these specific countries to have argued for it. Germany, France and the UK have large aerospace industries, and the sector is also important for countries such as Spain and the Netherlands.¹⁰⁶ Several of the countries advocating a lifting of the arms embargo in 2003 had prominent automobile industries,¹⁰⁷ and in terms of civil engineering, France, Germany, Spain, the UK and the Netherlands have sizeable industries in this sector. The countries proposing and backing a potential removal of the arms embargo therefore all seemed to have economic incentives for doing so. A potential lift of the arms embargo thus appears to be driven by trade concerns by individual member States. Furthermore, this group of countries is also to a large extent the same that argued in 1997 that the practice of tabling annual motions on China in the UNCHR should be ceased.

The EU arms embargo was accompanied by an American one from 1989 onwards.¹⁰⁸ The attempts to lift the European arms embargo in the early 2000s were met with the diplomatic wrath of the US, which eventually led the EU to maintain it.¹⁰⁹ US Congressional concerns evolved around two major issues: US security interests and the continuous violations of human rights in China.¹¹⁰ However, as Portela and Vennesson argue, the European arms embargo in no way contributes towards the improvement of human rights in China, and could be considered mostly symbolic.¹¹¹ Secondly, it has been argued that the arms embargo in fact

¹⁰⁴ Ibid., p. 31.

¹⁰⁵ Portela & Vennesson, *op.cit.*, p. 206.

¹⁰⁶ Ecorys, "Competitiveness of the EU Aerospace Industry with focus on: Aeronautics Industry, within the Framework Contract of Sectoral Competitiveness Studies – ENTR/06/054", European Commission, Brussels, 2009, p. 10.

¹⁰⁷ Organisation Internationale des Constructeurs d'Automobiles, *2003 Production Statistics*, Paris, OICA, 2014, retrieved 29 April 2014, <http://www.oica.net/category/production-statistics/2003-statistics>.

¹⁰⁸ K. Archick, R.F. Grimmett & S. Kan, *European Union's Arms Embargo on China: Implications and Options for U.S. Policy*, Washington D.C., Congressional Research Service, 2005, p. 4.

¹⁰⁹ Portela & Vennesson, *op.cit.*, p. 206.

¹¹⁰ Archick, Grimmett & Kan, *op.cit.*, p. 8.

¹¹¹ Portela & Vennesson, *op.cit.*, p. 206.

plays a small role in terms of the actual trade in arms between China and the EU: firstly because the arms embargo does not cover a range of sensitive items, and secondly because the EU Code of Conduct on Arms Exports would arguably kick in in case of a suspension of the arms embargo.¹¹² Neither Congressional concerns thus appear particularly warrant. Perhaps this is why Portela and Vennesson argue that the American opposition to the lifting is also driven by commercial interests, especially within the aviation industry.¹¹³ The perennial Airbus/Boeing disputes clearly show the importance of the sector for both sides of the Atlantic.

Conclusion

This paper set out to answer two questions: generally, to what extent the EU's human rights promotion varies in third countries despite similar breaches; and more specifically, why the EU's approach towards human rights promotion differs between China and Myanmar. To this end, the paper established two initial hypotheses: 1) throughout the 1990s, the EU should progressively have become a more assertive human rights promoter in third countries; 2) additional factors have acted as counterweight to an increasingly persistent promotion of human rights in China, whereas in Myanmar they have not, and such factors could be economic and political power relative to the EU.

The first hypothesis appears to have been confirmed from a declaratory point of view. With the establishment of the EU as a framework for sanctions, the 1991 Luxembourg Declaration called upon political conditionality to guide trade and cooperation agreements with third countries. The Maastricht Treaty established the CSDP in an effort to assert the EU's position on the international scene, and the Treaty of Amsterdam further stressed the EU's commitment to human rights. The case study of Myanmar also appears to confirm the first hypothesis. However, looking at the second case study, China, the first hypothesis no longer holds up. In regards to the first research question, we can thus conclude that the EU's human rights promotions vary significantly across countries. Despite similar breaches of basic human rights, the EU applied more sanctions to Myanmar and fewer to China.

The two case studies confirm the second hypothesis: a different approach to human rights promotion in China and Myanmar must point to different variables in

¹¹² Casarini, *op.cit.*, p. 32.

¹¹³ Portela & Vennesson, *op.cit.*, p. 208.

the two countries respectively. The second hypothesis further states that economic and political power relative to the EU are important variables differentiating the two case studies, and hence the explanation why the EU's human rights promotions in the two countries have been inconsistent. This, in turn, leads us to the second research question.

Indeed, the reason why the EU's human rights promotion differs in Myanmar and China appears to relate to their different economic and political importance to the EU. China has progressively grown to rank as the EU's second largest trading partner. Myanmar, on the other hand, ranks as the 131st largest partner in terms of exports, and has remained relatively insignificant throughout the two time periods. Economic power further translates into political power in the international order within organizations such as the UN, IMF and WTO, where China often outranks some of the larger European countries. China has furthermore skilfully taken advantage of individual member state preferences, a feat Myanmar has not been able to replicate. China thus offers economically more opportunities for the EU, and therefore higher opportunity costs in case of sanctions, than does Myanmar; and China wields much more power in the international system, and thus potential to withstand European pressure, than Myanmar does.

As regards member state differences, commercial interests appear to take precedence over human rights concerns as well. The international response has furthermore been an important factor determining the EU's response to human rights violations, and generally, the EU and the US appear to have followed the same approach in both cases. The debate on the potential lifting of the arms embargo clearly revealed commercial interests on both sides. It does therefore not seem plausible that the EU would apply stricter sanctions on China without matching American measures, since this arguably would have economic repercussions. In the case of Myanmar, the EU could afford to do so for two reasons: the relative unimportance to the EU and the simultaneous American sanctions. In the case of Myanmar and ASEAN, there also appear to be economic incentives for the EU to lift the sanctions, although it is difficult to identify a clear correlation.

This paper finds that the EU's approach to human rights promotion in third countries varies significantly, even in two countries with similar breaches of basic human rights, and in the same region, such as China and Myanmar. The main reason why the EU response to human rights violations in these two countries differs appears

related to the relative economic power and political power of the target country. Although other variables, such as interests of individual member states or of the international society, may play a role, they all appear to be linked to commercial interests. Thus strong commercial and political interests seem to take precedence over the human rights promotion of the EU.

If the EU wants to be perceived as a genuine human rights actor, the approach to China will have to change. Either the EU should promote human rights as declared in official documents; or the EU should accept that it is not the human rights promoter it depicts itself to be. Surely, to be taken seriously in an international setting will depend on the EU's adoption of a consistent approach. The EU cannot claim to be the human rights promoter *par excellence* in the world, if it only promotes those rights insofar as this policy does not interfere with its commercial interests. The Chinese philosopher Confucius said that the superior man is modest in his speech, but exceeds in his actions. What the EU is doing, however, appears to be the opposite.

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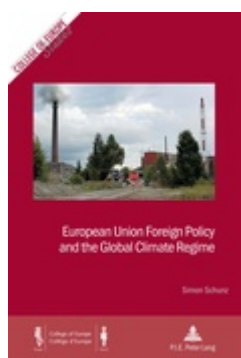
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